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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,199	09/18/2003	Gyu-Bong Kim	0001422/3062USU	5570

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EXAMINER

BALSIS, SHAY L

ART UNIT PAPER NUMBER

1744

DATE MAILED: 06/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/665,199

Applicant(s)

KIM, GYU-BONG

Examiner

Shay L. Balsis

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/19/04; 5/12/05</u> <i>1/11/plb</i> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2 are rejected under 35 U.S.C. 102(a/e) as being anticipated by Kess et al. (WO 02067748).

Kess teaches a vacuum cleaner attachment tool comprising a cleaning tool body (24) on a handle of the vacuum cleaner. The tool body is to be moved between a cleaning mode and a standby mode (figures 7- 9). The cleaning tool body has a pair of cleaning tool members (25, 26) with a wedge-shaped recess. The recess is gradually narrowed from one side to the other side of the cleaning tool (figure 8 and 9). The cleaning tool members are connected to each other by a hinge (37) and pivot about the hinge to open and close. There is a pivoting means (22) for switching the cleaning tool body between cleaning mode and standby mode. In cleaning mode the pivoting means pivot to close to have one end narrow in diameter (figure 9) and in standby mode, the pivoting means pivots to open to have one end extended in diameter (figures 7-8).

With regards to claim 2, the pivoting means comprises two pair of guide protrusions (31, 32). One guide protrusion in each pair is disposed on a rear portion of the tool member opposite

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the counter part guide protrusion (figure 8, shows guide protrusions on both sides of the tool members; figure 7 only shows one pair of protrusions however, there is another set on the opposite side). There is a slider (22) connected with the cleaning tool body through the two pair of guide protrusions, and having two pairs of guide holes (23) corresponding to the guide protrusions.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Nobuharu (JP 2000229052).

Nobuharu teaches a vacuum cleaner attachment tool comprising a cleaning tool body (42) on a handle of the vacuum cleaner. The tool body is to be moved between a cleaning mode and a standby mode (figures 8-10). The cleaning tool body has a pair of cleaning tool members (42b, 42b') with a wedge-shaped recess. The recess is gradually narrowed from one side to the other side of the cleaning tool (figure 2). The cleaning tool members are connected to each other by a hinge (42f) and pivot about the hinge to open and close. There is a pivoting means (44) for switching the cleaning tool body between cleaning mode and standby mode. In cleaning mode the pivoting means pivot to close to have one end narrow in diameter (figure 9) and in standby mode, the pivoting means pivots to open to have one end extended in diameter (figures 8).

With regards to claim 2, the pivoting means comprises two pair of guide protrusions (42c, 43b). One guide protrusion in each pair is disposed on a rear portion of the tool member opposite the counter part guide protrusion (figure 2, shows guide protrusions on both sides of the tool members). There is a slider (44) connected with the cleaning tool body through the two pair of guide protrusions, and having two pairs of guide holes (44a, 44b) corresponding to the guide protrusions.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kess et al ('748) or Nobuharu ('052).

Kess or Nobuharu teach all the essential elements of the claimed invention as stated above however fail to teach where the hinge is disposed with respect to the front end of the cleaning tool. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kess or Nobuharu so that the hinge is disposed at a position that is distanced from a front end of the cleaning tool member backward as much as 4/5 length of the cleaning tool member since the only difference between the prior art and the claims is a recitation of relative dimensions of the claimed device. A device having the claimed relative dimensions would not perform differently than the prior art device and therefore, the claimed device is not patentably distinct from the prior art device. MPEP 2144.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L. Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



SLB
6/5/06



GLADYS J. CORCORAN
SUPERVISORY PATENT EXAMINER